

Settlor Survey Questions De Minimis Settlement Reform Evaluation

Introduction

Recently you were offered a “de minimis” settlement by EPA due to your relatively small waste contribution to the site. Your name was selected at random to participate in a telephone survey about this experience to help EPA better understand how its settlement program is perceived by parties involved in the Superfund process. The purpose of the survey is to solicit feedback from you on how the settlement offer/process affected your decision to settle. The information you provide will only be used to help improve EPA’s policies and services. The survey will take approximately 15 minutes to complete and is entirely voluntary.

While we plan to conduct the survey over the telephone, we recognize that it may be more convenient for some respondents to submit a written survey. If you would like to submit a written survey, please fill out this form and return it directly to our survey contractor in the enclosed postage-paid envelope. When the contractor receives your survey in the mail, your name will be removed from their call list and you will not be contacted with regard to a telephone survey, unless one of your written answers requires clarification.

(The following information should be generated from the De Minimis Database or CERCLIS, or collected from EPA regional offices):

Site Name:

Name of Settling Party:

Settling Party’s Address:

Date Party Issued General or Special Notice:

Date of Settlement:

Amount of Settlement:

Settlement Premium Amount:

General Questions

Questions 1 to 3 ask you for some general information about your experience with the settlement process.

1. Please rate your overall satisfaction with the de minimis settlement you entered into with EPA at this site.

Very satisfied___

Satisfied___

Neutral___

Dissatisfied___

Very dissatisfied___

2. Please rate your overall satisfaction with the de minimis settlement process as a whole.

Very satisfied___

Satisfied___

Neutral___

Dissatisfied___

Very dissatisfied___

3. Did EPA offer to enter into a settlement with you within a reasonable time after they first contacted you?

Yes___

No ___

Other Site Costs

Questions 4 to 10 ask you for more specific information about costs you may have incurred in addition to the amount you agreed to pay EPA.

4. Did anyone other than EPA sue you for money to clean up the site?

No___ (If this is your answer, skip Question 5.)

Yes, before settling with EPA___

Yes, after settling with EPA___

Yes, both before and after settling with EPA___

5. Were the other lawsuits against you dropped after you settled with EPA?

Yes___

No___

Some were, but not all____

6. According to our records, the settlement you entered into required you to pay EPA \$____.
(**Generated from De Minimis Database**). Compared to this amount, were the other costs you incurred as a result of being a de minimis PRP (e.g., legal costs, lost business, or lost wages, etc.)

Higher____

Lower____

About the same____

7. Please provide a percentage estimate of how much higher or lower these “other” costs were. _____

8. How much of the “other” costs did you incur after you settled with EPA?

All____

Most____

About the same____

Some____

None____

9. How do you think your settlement with EPA affected the “other” costs?

Increased them____

Decreased them____

No effect____

10. If you believe the “other” costs increased, did the benefits of the settlement outweigh this increase?

Yes____

No____

Settlement Program

Questions 11 to 14 ask for your reactions to particular features of the settlement, such as the share of liability assigned to you.

11. What was the most important factor in your decision to settle with EPA?_____
- _____
- _____
12. Do you feel that the amount you paid in the settlement was fair in light of your contribution of hazardous substances to the site?
- Yes____
- No____
13. Do you feel that the settlement premium you were charged was fair in light of the uncertainty about future total response costs at the site?
- Yes____
- No____
14. Do you feel that the settlement adequately protects you from further cleanup liability for the site?
- Yes____
- No____

Financial Hardship

Questions 15 and 16 ask about information you may have communicated to EPA regarding financial hardship and how EPA may have responded.

15. Did you tell EPA that paying the amount of the settlement they offered would create a financial hardship for you?
- Yes____
- No____
16. If you answered “yes” to question 15, did EPA make you a revised settlement offer?
- Yes____
- No____

Closing Thoughts

17. Please provide any additional thoughts you have about how EPA could improve the de minimis settlement program/process.
